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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,796	12/02/2003	Kin Man Wong	MCHK/144/US	3334
2543	7590	06/03/2004	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			PATEL, VINOD D	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,796

Applicant(s)

WONG, KIN MAN

Examiner

Vinod D. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED OFFICE ACTION

INTRODUCTION

1. This application/control number 10/725,796 has been examined. This is the first action on the merits of the claimed invention. The application has claims 1-5 pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Padilla (US5837972).

Hajaligol discloses (Fig. 4A-4D) a cylindrical heater comprising: a first portion (100) including a heating element (122) and an electric terminal in circuit with the heating element and a second portion (200) attached to the first portion in heat exchange relationship therewith and being reconfigurable with respect to the first portion so as to alter an overall length of the hair curler. The first portion includes a recess (CR) by which the first portion can be mounted upon so as to receive an electrical contact post of a base comprising an array of such contact posts, and wherein the electric terminal is in or alongside the recess.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Padilla (US5837972).

Padilla discloses a heated hair curler (Fig. 1-8) comprising: a first portion (40) including a heating element and an electric terminal in circuit with the heating element and a second

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portion (40) attached to the first portion in heat exchange relationship therewith and being reconfigurable with respect to the first portion so as to alter an overall length of the hair curler. The first portion includes a recess (30, 90) (Fig. 2) by which the first portion can be mounted upon so as to receive an electrical contact post of a base comprising an array of such contact posts, and wherein the electric terminal is in or alongside the recess.

Claim Rejections - 35 USC § 103

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajaligol (US5530225) in view of Leal (US3593724).

Hajaligol does not disclose pair of indents and external ribs.

Leal discloses a longitudinally adjustable hair roller comprising outer sleeve (10) and inner sleeve (11), the outer sleeve (10) having indents (teats (13) and the inner sleeve (11) having slot (14) having circumferential slots (15) for locking operation.

It would have been obvious to one of ordinary skill in the art to provide a teats and slots as taught by Leal for the heater of Hajaligol to lock the first portion and second portion at a desired length and utilized teats as a external ribs to engage the hair on the device.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller (US1400305) relates to an electric hair curler, Leclabart (US2892460), Lehn (US3498300), Gaffney (US3673382), Plaisted (US4267851) relate to an electric hair curlers, Parker (US5746228) relates to traveling hair curling apparatus, Pekarik (US5622193) relates to self holding hair curler apparatus, (DE 20116021U) relates to hair curler adaptor for different sizes has telescopic extending sections and fits over an electric heating element.


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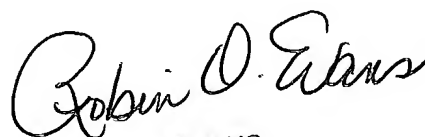
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 703-308-5227. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


Vinod Patel
Patent Examiner
Art Unit 3742


ROBIN O. EVANS
PRIMARY EXAMINER
6/1/04